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APR 21 2009

**OFFICE OF PETITIONS**

David H. Shen  
21037 Dorsey Way  
Saratoga, CA 95070

In re Application of Shen : Decision on Petition  
Application No. 10/810,603 :  
Filing Date: March 29, 2004 :  
For: Continuous-Time Multi-Gigahertz :  
Filter Using Transmission Line :  
Delay Elements :

This is a decision on the petition under 37 CFR 1.137(b), filed January 22, 2009, to revive the above-identified application.

The petition is **granted**.

Facts

The Office mailed a non-final Office action on March 3, 2008. The non-final Office action set a shortened statutory period for reply of three (3) months.

The non-final Office action indicating extensions of time could be obtained but "In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication."

A request for a five-month extension of time and a \$1,115 payment for the extension of time were filed May 23, 2008. Since the time period set forth in the March 3, 2008 Office action could only be extended, at most, by three months, the May 23, 2008 request extended the due date for reply to September 3, 2008.

A reply was not filed on or before September 3, 2008. As a result, the application became abandoned as of September 4, 2008.

A reply to the March 3, 2008 Office action was filed November 3, 2008. However, the reply was not entered because the reply was filed beyond the extended time period for reply to the March 3, 2008 Office action.

A Notice of Abandonment was mailed January 12, 2009.

Opinion

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

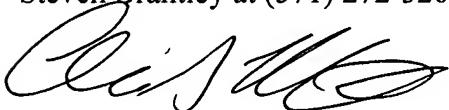
The reply to the March 3, 2008 Office action has been submitted in the form of the reply filed November 3, 2008. Petitioner has submitted the required petition fee of \$810. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Petitioner submitted \$1,115 for a five-month extension of time on May 23, 2008. However, only a three-month extension was obtained because of the maximum six-month statutory period for reply. Therefore, the Office has scheduled a refund of \$590 which is the difference between the amount paid of \$1,115 and the fee required for a three-month extension of time as of May 23, 2008 (\$525).

Technology Center Art Unit 2193 will be informed of the instant decision and the amendment filed November 3, 2008, will be examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions